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5 IN THE UNITED STATES DISTRICT COURT

6 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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8 THE BOARD OF TRUSTEES OF THE
9 CARPENTERS HEALTH AND WELFARE TRUST
FUND FOR CALIFORNIA, et al.,

No. C 08-1067 CW

10 Plaintiffs,

ORDER ADOPTING
MAGISTRATE JUDGE'S
REPORT AND
RECOMMENDATION

11 v.

12 SAUL M. CRUZ, individually and doing
13 business as SMC MODULAR INSTALLATION;
14 MAGDALENA L. CRUZ, individually and
15 doing business as SMC MODULAR
INSTALLATION; SMC MODULAR
INSTALLATION; and DOES 1 THROUGH 10,
inclusive,

16 Defendants.

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19 The Court has reviewed Magistrate Judge Spero's report and
20 recommendation that Plaintiffs' motion for default judgment be
21 granted. No objections to the report and recommendation have been
22 filed. The Court finds the report correct, well-reasoned and
23 thorough, and adopts it in every respect.

24 Accordingly, IT IS HEREBY ORDERED that Plaintiffs' motion for
25 default judgment is GRANTED IN PART and DENIED IN PART. The
26 arbitration awards are hereby CONFIRMED, and Defendants are ordered
27 to comply with their terms. Pursuant to those terms, Defendants
28 must submit to an audit of their books and records by

1 representatives of the Northern California Carpenters Trust Funds.
2 Defendants must provide the auditors with copies of the records
3 described in the arbitration awards.

4 The arbitration awards further require Defendants to pay
5 \$311,253.82 in waiting time, unpaid wages and benefits, liquidated
6 damages and audit costs. In addition, Defendants must pay
7 Plaintiffs the sum of \$8,888.60, representing \$5,371.25 in
8 attorneys' fees and \$3,517.35 in costs incurred in connection with
9 this lawsuit.

10 Claims two through seven in the complaint are dismissed
11 without prejudice.¹ The Court will retain jurisdiction over this
12 matter to ensure compliance with its orders and to confirm any
13 amended arbitration award that may be issued as a result of future
14 audits. The Clerk shall enter judgment and close the file.

15 IT IS SO ORDERED.

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17 Dated: 8/13/08


CLAUDIA WILKEN
United States District Judge

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27 ¹The first claim in the complaint is for confirmation of the
arbitration awards. The Report and Recommendation mistakenly
refers to the remaining claims as claims four through nine. In
fact, they are claims two through seven.